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20 October 1953

OGC Has Reviewed

25X1A

Memorandum for: [] (Personnel)

From: Office of General Counsel

Subject: [] "Two Years Continuous Service Abroad" 25X1A

References: (1) Your Memoranda of 24 July 1953 and 20 August 1953, same subject
(2) My Memorandum of 10 October 1953, same subject

25X1A 1. Shortly after completion of my memorandum of 10 October, I discussed with [] EE (Personnel) the subject of the effect of leave without pay on the concept of two years continuous service abroad as used in the Agency Field Regulation pertaining to home leave.

25X1A 2. My memorandum of 10 October reached the conclusion that leave without pay, taken under emergency conditions in the United States, is not subject to time limitation before breaking continuous service abroad, but has the result of extending the tour of the individual concerned for a period equal to the amount of leave without pay taken. [] 25X1A
[] asked for a further opinion whether leave without pay, taken for personal reasons in the field, would break the continuity of service abroad.

25X1A 3. The Comptroller General's decision (B-933665) of March 16, 1950, makes the statement that, in the absence of express legislative intent to the contrary, the term "continuous service abroad" as used in the Central Intelligence Agency Act reasonably and properly may be construed as requiring only continuous employment in the Central Intelligence Agency while on assignment abroad. It is also noted that under the provisions of [] leave without pay, not exceeding fifteen work days, may be granted to employees at the discretion of Chiefs of Missions overseas. In view of the foregoing,

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it is the opinion of this office that leave without pay, taken abroad for the personal convenience of the employee does not break continuous service abroad but has the result of extending the tour of the individual concerned for a period equal to the amount of leave without pay taken.

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OGC/TMF:imm

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